

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY h D.C.
05 OCT -4 PM 1:45
THOMAS W. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, JACKSON

UNITED STATES OF AMERICA,)

Plaintiff,)

VS.)

No. 1:05-10006-T

MICHAEL DEON CARR,)

Defendant.)

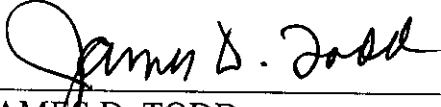
ORDER GRANTING MOTION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL
AND
ORDER DENYING MOTION TO WITHDRAW AS ATTORNEY OF RECORD


Michael Deon Carr ("Defendant") pleaded guilty to one count of being a convicted felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), on June 24, 2005. On September 27, 2005, the court entered a judgment on Defendant's plea convicting Defendant and imposing sentence. On September 29, 2005, Defendant filed a Notice of Appeal. Defendant now moves the court for leave to proceed *in forma pauperis* on appeal. David W. Camp, Defendant's trial counsel, moves to withdraw as Defendant's attorney of record because Defendant cannot afford to pay an attorney's fee for representation at the appellate level.

Based on Defendant's incarceration and consequent inability to produce income, and on the information provided in Defendant's financial affidavit, the court finds that

Defendant is indigent and that Defendant should be permitted to proceed *in forma pauperis* at the appellate level. However, the court may not grant trial counsel's motion to withdraw as attorney of record. Rule 101(a) of the Sixth Circuit Rules provides that, in criminal appeals, trial counsel remains responsible for the defendant's continued representation until "specifically relieved by [the court of appeals]." See 6 Cir. R. 101(a). In other words, trial counsel should present the instant motion to the appellate court and not to this court.

For these reasons, Defendant's Motion to Proceed *In Forma Pauperis* on Appeal is GRANTED and David W. Camp's Motion to Withdraw as Attorney of Record is DENIED. IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 46 in case 1:05-CR-10006 was distributed by fax, mail, or direct printing on October 6, 2005 to the parties listed.

David W. Camp
LAW OFFICES OF DAVID CAMP, PLLC
403 N. Parkway
Jackson, TN 38305

James W. Powell
U.S. ATTORNEY'S OFFICE
109 S. Highland Ave.
Ste. 300
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT